

FILED\*11 JUN 30 10:51USDC-GRI

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HECTOR RANGEL-PEREZ,  
Petitioner,

Case No. 1:10-cv-00700-CL

v.

STEVE FRANKE,

**ORDER**

Respondent.

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. Even assuming petitioner properly exhausted state remedies, petitioner has not shown that his trial counsel was ineffective in choosing not to

call the victim as a witness at trial. The victim initially told police that petitioner hit her intentionally, and recanted her statement only under pressure from petitioner. The prosecution had audio recordings of petitioner coercing the victim, and several witnesses would have contradicted the victim's current version of events. I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#16) is adopted. The petition (#2) is dismissed.

IT IS SO ORDERED.

DATED this 30 day of June, 2011.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE